

**7035.0805 RENOVATION AND DEMOLITION.**

Subpart 1. **Scope.** This part applies to persons engaged in the renovation, moving, and demolition of structures, or portions of structures, including demolition by burning for the purpose of disposal, where authorized by law, or fire training. The purpose of this part is to ensure that hazardous materials or items present in structures are removed prior to the commencement of renovation or demolition and that the hazardous materials or items generated as a result are properly characterized and disposed of or recycled.

Subp. 2. **Definitions.** For purposes of this part:

A. "Commencement of renovation or demolition" means to take any action that results in the physical alteration of the interior or exterior of a structure for the purpose of renovating or removing the structure, and includes alteration or removal of walls, ceilings, floors, or roofs or associated structural components such as porches and garages. Physical alterations necessary to comply with this part, for example, removal of a wall as needed to remove a hydraulic oil tank, do not constitute commencement of renovation or demolition, provided that the physical alteration does not result in the disturbance of items listed in subpart 5 other than the targeted item. Actions that do not result in physical alteration of the structure, such as grubbing or removal of sidewalks, parking surfaces, or uncontaminated soil, do not constitute commencement of renovation or demolition.

B. "Structures" includes buildings used or formerly used for residential, recreational, governmental, agricultural, commercial, or industrial purposes and other buildings of a relatively permanent nature such that they may contain fixtures and devices associated with electrical, plumbing, heating, cooling, safety, or lighting systems.

Subp. 3. **Removal requirements.** The owner, person authorizing the renovation or demolition, and person conducting the renovation or demolition shall ensure that the items and materials listed in subpart 5 are removed from the structure being demolished or from the portion of the structure being renovated prior to the commencement of renovation or demolition.

Subp. 4. **NESHAP facilities.**

A. For persons conducting demolition of a facility, as defined under Code of Federal Regulations, title 40, section 61.141, and regulated under part 7011.9920, the items and materials must be removed two working days prior to the start date identified on the most recently submitted ten working day notification form submitted as required under Code of Federal Regulations, title 40, section 61.145, paragraph (b).

B. For purposes of this subpart, "working days" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

Subp. 5. **All items and materials to be removed before renovation and demolition.** All items and materials removed must be properly characterized, tested,

managed, and disposed of and reused or recycled in accordance with applicable standards. The following items and materials must be removed prior to the commencement of renovation or demolition:

A. mixed municipal solid waste, including furniture, carpeting unattached to the substrate, bedding, mattresses, clothing, small appliances, food, and food waste;

B. household hazardous waste as defined in Minnesota Statutes, section 115A.96, subdivision 1, including automotive fluids, lawn and garden chemicals, pest control products, household cleaners, paint, and home improvement products;

C. materials that constitute industrial solid waste or hazardous waste;

D. waste tires as defined in Minnesota Statutes, section 115A.90, subdivision 11;

E. appliances that meet the definition of "major appliances" in Minnesota Statutes, section 115A.03, subdivision 17a;

F. items that contain elemental mercury, including:

(1) batteries found in smoke detectors, emergency lighting systems, elevator control panels, exit signs, and security systems and alarms;

(2) lighting, including fluorescent lights and high intensity discharge lights, such as metal halide, high pressure sodium, mercury vapor, and neon;

(3) switches;

(4) thermostats and similar devices, including aquastats, pressurestats, firestats, manometers, and thermometers;

(5) devices associated with boilers, furnaces, heaters, and tanks, including mercury flame sensors by pilot lights, manometers, thermometers and gauges, pressure-trol, float, or level controls, and space heater controls;

(6) devices associated with electrical systems, including load meters and supply relays, phase splitters, microwave relays, and mercury displacement relays; and

(7) miscellaneous devices that may contain mercury;

G. items that contain polychlorinated biphenyls (PCBs), including transformers, transistors, capacitors in old appliances and electronic equipment, heat transfer equipment, and light ballasts;

H. items that contain chlorofluorocarbons (CFCs) as defined in Minnesota Statutes, section 116.70, subdivision 3, including fire extinguishers; both portable and installed halon suppression systems; rooftop, room, and central air conditioners; walk-in coolers for refrigeration or cold storage areas; water fountains and dehumidifiers; refrigerators, freezers, and chillers; heat pumps; vending machines; and food display cases;

I. oils, including used oil, hydraulic oils in door closers and elevator-related tanks and piping, and oils located in heating oil tanks, piping, sumps, and traps;

J. lead-containing items, including lead-acid batteries, lead pipes, lead sheeting, lead flashing in roof vents, and lead paint that is not firmly adhered to the substrate. For purposes of this item, "lead paint" means a coating that contains one-half of one percent (0.5 percent) or more or 5,000 parts per million (5,000 ppm) or more of total lead by weight in the dried film, as determined by acid digestion and analysis, or contains one milligram per square centimeter (1.0 mg/cm<sup>2</sup>) or more of lead, as determined by X-ray fluorescence analyzer;

K. electronic products containing a cathode ray tube, as described in Minnesota Statutes, section 115A.9565, including televisions and computers;

L. electronic products containing a circuit board;

M. asbestos that is required to be removed under part 7011.9920;

N. material trapped in sumps and traps, unless characterized as nonhazardous and nonliquid;

O. radioactive waste as defined in Minnesota Statutes, section 116C.71, subdivision 6; and

P. other materials or items that are prohibited from disposal at the facility intended to receive the renovation or demolition waste for processing or disposal.

**Subp. 6. Exemption.**

A. The requirement to remove items or materials listed in subpart 5 prior to commencement of renovation or demolition does not apply under the following circumstances:

(1) the structure is unsafe to enter as determined by a local government authority;

(2) the items and materials uncovered during the course of renovation or demolition could not have been reasonably identified prior to commencement;

(3) the items or materials that are within components of the structure, such as elevators, vertical lifts, or lighting, that are being used during the course of renovation or demolition, provided that the items or materials are removed after use of the component is no longer required for renovation or demolition work; or

(4) the items or materials cannot be removed in a timely manner due to the fact that the demolition or renovation is being performed in response to an emergency maintenance situation. For purposes of this subpart, an "emergency maintenance situation" means demolition or renovation that is necessary due to a sudden and unexpected event,

such as an equipment failure, that if not immediately attended to presents a safety or health hazard or is necessary to protect the structure or items within the structure from costly damage.

B. If the removal of hazardous materials or items is not required as provided under this subpart, the owner, person who will authorize renovation or demolition, and person who will conduct the renovation or demolition must comply with the requirements of this part by removing the items and materials listed in subpart 5 that are accessible before or after renovation or demolition.

Subp. 7. **Duties under other law.** Other federal and state laws establish requirements for the management of asbestos, CFCs, tank systems, and waste, and other federal, state, and local laws establish requirements governing noise, air emissions, storm water controls, and worker safety. Nothing in this part shall be construed as relieving any person from the duty to comply with any applicable federal, state, or local requirement. In particular, nothing in this part shall be construed as relieving any person of requirements under state or federal law governing inspection and removal of regulated asbestos-containing materials. Nothing in this part shall be construed as relieving any person of duties related to the proper management of solid or hazardous waste or CFCs. Nothing in this part shall be construed as relieving any person of duties related to the prevention of fugitive emissions.

Subp. 8. **Debris characterization.** If the owner, person authorizing renovation or demolition, or person conducting the renovation or demolition knows or has reason to know that portions of the structure may be contaminated by hazardous substances or petroleum as defined in Minnesota Statutes, section 115C.02, subdivision 10, based on past uses of the structure, such as a medical building, laboratory, or manufacturing facility, the owner, person authorizing renovation or demolition, or person conducting the renovation or demolition shall, prior to the commencement of renovation or demolition, obtain appropriate samples and receive results from laboratory analysis as necessary to ensure the proper management and disposal of contaminated structural elements and any resulting debris generated.

Subp. 9. **Stop work order.** If conditions exist that pose an imminent and substantial danger to the health and welfare of the people of the state, or any of them, as a result of the failure to comply with this part, the agency reserves the right to issue an emergency order to direct the immediate discontinuance of the renovation or demolition or the abatement of the pollution without notice and without a hearing as provided in Minnesota Statutes, section 116.11.

**Statutory Authority:** *MS s 116.07*

**History:** *33 SR 2124*

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